

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 8, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Hawaii

Consent to Assign Grant of Easement No. S-27,540, Apollo Energy Corporation,
Assignor, to Tawhiri Power LLC, Assignee, Pakini Iki, Ka'u, Hawaii, Tax Map
Key:3rd/9-3-04:Old Government Road.

APPLICANT:

Apollo Energy Corporation, as Assignor, to Tawhiri Power LLC, a Delaware limited
liability company, whose business and mailing address is 551 Pilgrim Drive, Suite D,
Foster City, California, 94404, as Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of an old Government road (Ala Nui Aupuni) situated at Pakini Iki, Ka'u, Hawaii,
identified by Tax Map Key: 3rd/9-3-04:Old Government Road, as shown on the attached
map labeled Exhibit A.

AREA:

921 square feet, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Utility easement purposes.

TERM OF LEASE:

Perpetual.

ANNUAL RENTAL:

A one-time fee of \$120.00 was paid at the execution of the easement document.

CONSIDERATION:

\$ 10.00.

RECOMMENDED PREMIUM:

There is no recommended premium.

DCCA VERIFICATION:

ASSIGNOR:

Place of business registration confirmed:	YES <u>X</u>	NO <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Good standing confirmed:	YES <u>X</u>	NO <u> </u>

ASSIGNEE:

Place of business registration confirmed:	YES <u>X</u>	NO <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Good standing confirmed:	YES <u>X</u>	NO <u> </u>

REMARKS:

At its meeting of October 21, 1983, the Board of Land and Natural Resources under Agenda Item F-3 approved of a perpetual, nonexclusive 50-foot easement for electrical transmission purposes to Kamakani Ikaika, Inc.

At its meeting of February 13, 1987, the Board under Agenda Item F-1-d, consented to the assignment of grant of easement from Kamakani Ikaika, Inc. to Kamo Wind Energy Partners, a registered Hawaii joint venture composed of Kamakani Ikaika, Inc. and Imua Kamakani Corporation.

At its meeting of January 13, 1995, the Board under Agenda Item F-1-b consented to the assignment of grant of easement from Kamoia Wind Energy Partners as Assignor to Apollo Energy Corporation, a Hawaii Corporation as Assignee.

The purpose of this assignment is for the development and construction of the Pakini Nui Windfarm, a wholly owned subsidiary of the Assignor.

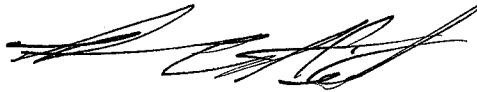
The Assignee has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.


RECOMMENDATION:

That the Board consent to the assignment of Grant of Easement No. S-27,540 from Apollo Energy Corporation, as Assignor, to Tawhiri Power LLC, as Assignee, subject to the following:

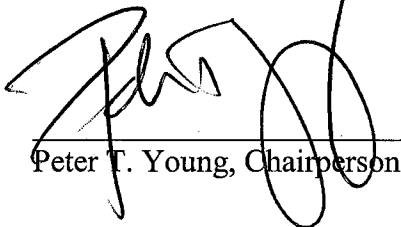
1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

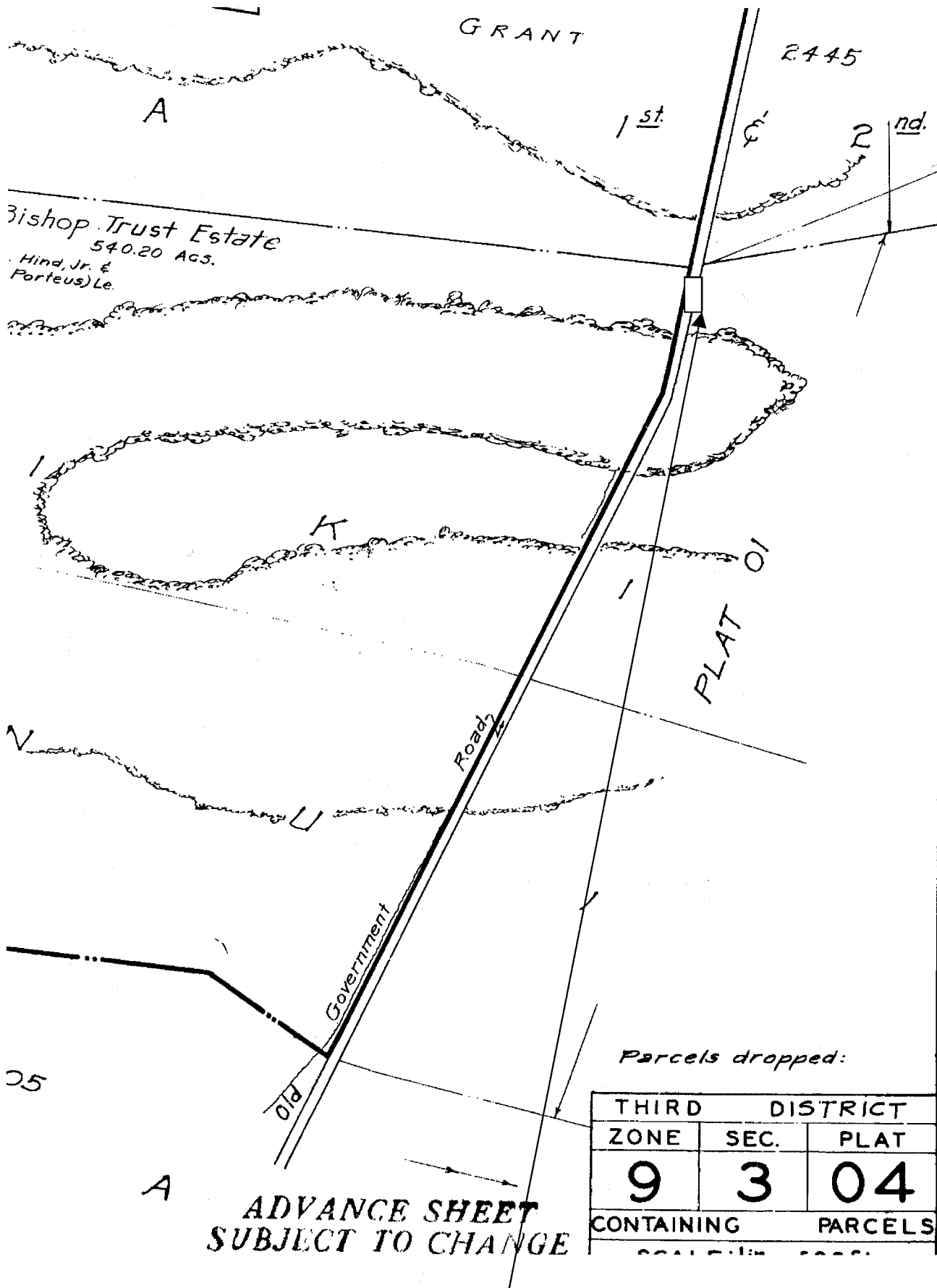
Respectfully Submitted,



 Gordon C. Heit
Land Agent

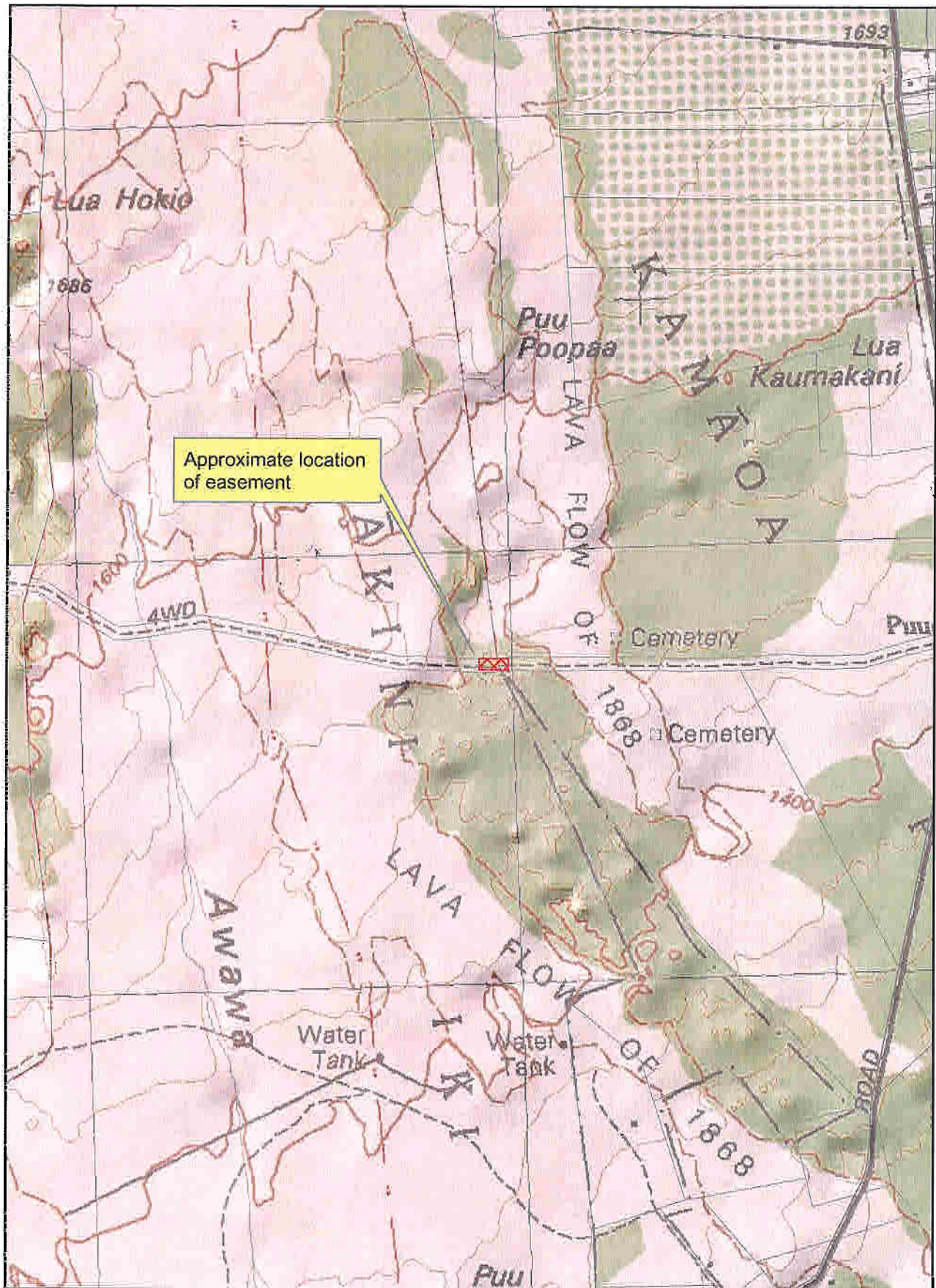
APPROVED FOR SUBMITTAL:


Peter T. Young, Chairperson



APPROXIMATE LOCATION OF EASEMENT

LOD S-27,540

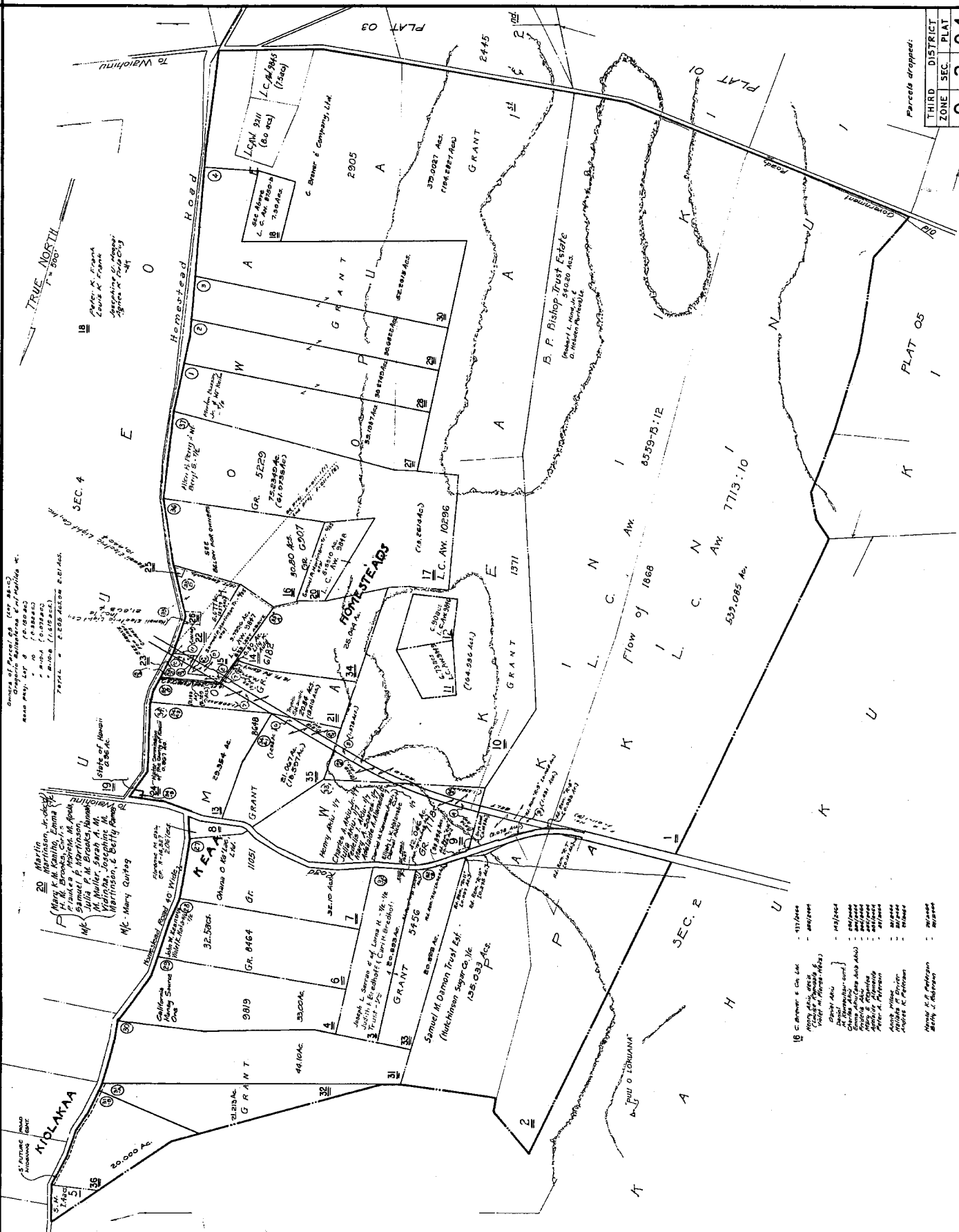


0 365 730 1,460 2,190 2,920 Feet



SUBJECT EASEMENT

Parcels dropped:			
THIRD	DISTRICT	ZONE	SEC.
9	3	04	
ADVANCE SHEET			
SUBJECT TO CHANGE			
CONTAINING PARCELS			
SCALE: 1 in = 500 ft.			
PRINTED			



PAKININI-MOHOKAE, KAU, HAWAII

Dwg. No. 2552
Source: B. S. C. & S. Co. Ltd.
By: D. S. C. & S. Co. Ltd.